

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
MATILDA BELOVIC, by her next friend,
SUELLEN TOZZI; GENEVIEVE C.;
MADELAINE ANDREWS; MARY B.; and
MAUREEN CURRAN, by her next friend,
SARAH T. GILLMAN, individually, and on
behalf of all others similarly situated,

Plaintiffs,

07 Civ. 2876 (LAP)(KNF)

-against-

ECF Case

ROBERT DOAR, as Commissioner of the New
York City Human Resources Administration;
GLADYS CARRION, as Commissioner of the
New York State Office of Children & Family
Services; DAVID HANSELL, as Acting
Commissioner of the New York State Office of
Temporary & Disability Assistance; and
RICHARD F. DAINES, as Acting Commissioner
of the New York State Department of Health,

Defendants.

----- X

Supplemental Declaration of Jane Greengold Stevens

Jane Greengold Stevens hereby declares, under penalty of perjury, that:

1. I am an attorney duly admitted to practice in the Southern District of New York. I am currently the Director of Litigation at the New York Legal Assistance Group (“NYLAG”), co-counsel for Plaintiffs. As such, I am fully familiar with the facts of this case.

2. I make this supplemental declaration in further support of Plaintiffs’ Motion for Class Certification, which was filed on April 23, 2007. I herein incorporate by reference all the information provided in my declaration dated April 9, 2007 (the “April Declaration”), which was submitted in support of that motion.

3. When the Motion for Class Certification was electronically filed on April 23, 2007, the last four exhibits to my April Declaration were accidentally not included, although hard copies of these exhibits were served on all defendants and included in the courtesy copy submitted to the Court. Those four exhibits are attached hereto and resubmitted, retaining their original labels as Exhibits H through K.

4. This supplemental declaration is also submitted in order to include in the record before the Court, for the Court's convenience, several documents that are a matter of public record (of which the Court may take judicial notice). My April Declaration referred to several of these documents, but did not include copies of them as exhibits. One document attached here, the transcript of a hearing held by the New York City Council on June 14, 2007, did not exist at the time of my April Declaration, but was produced to Defendants as part of Plaintiffs' initial disclosures.

5. Attached hereto as Exhibit L is a copy of the December 2006 report issued by Betsy Gotbaum, the Public Advocate for the City of New York, entitled "Unprotected: Adult Protective Services Struggles to Serve Vulnerable Clients," available online at <http://pubadvocate.nyc.gov/policy/documents/UnprotectedAdultProtectiveServicesStrugglestoServeVulnerableClients.pdf>. This document was referred to and briefly discussed in paragraphs 7-10 of my April Declaration; I do not repeat the discussion here.

6. Attached hereto as Exhibit M is an excerpt from the New York City Mayor's Management Report for Fiscal Year 2007, which includes Supplementary Indicator Tables for the Human Resources Administration showing that 13,566 referrals were accepted by APS for assessment in fiscal year 2006, and 13,628 referrals were accepted by APS for assessment in

fiscal year 2007. It also shows that at the end of fiscal year 2006, APS had 6,893 active cases, and that as of approximately mid-2007, APS had 7,232 active cases. See Exh. M at 27. This document is available online at http://www.nyc.gov/html/ops/downloads/pdf/_mmr/hra_wi.pdf. An earlier version of this document was referred to and briefly described in paragraph 5 of my April Declaration.

7. Attached hereto as Exhibit N is a copy of the New York City Independent Budget Office's "Programmatic Review of the 2007 Preliminary Budget for Human Resources Administration." See Exh. N at 20. This document is available online at http://www.ibo.nyc.ny.us/iboreports/agencyBudgets06/HRA%20Program%20Budget_march06.pdf. This document was referred to and briefly described in paragraph 6 of my April Declaration.

8. Attached hereto as Exhibit O is the transcript of a June 14, 2007 joint hearing concerning the Adult Protective Services agency held by the Committee on Aging and the Committee on General Welfare of the New York City Council. The transcript of the hearing contains testimony and comments by Council Members, the Public Advocate, community service providers, and other advocates, outlining system-wide, repeated problems in the provision of adult protective services. The transcript also contains testimony by a representative of members of Social Services Employees Union, Local 371, which represents APS caseworkers and supervisors, stating that union members themselves believe that APS is badly understaffed and that the workers are undertrained. See Exh. O at 102-13.

9. The documents attached hereto, and the other documents and affidavits submitted in support of Plaintiffs' Motion for Class Certification, show agency-wide problems that result in the failure to provide services to which APS clients are entitled. Plaintiffs therefore seek

certification of a class of all current and future clients of APS who are not receiving or will not receive the protective services from APS to which they are legally entitled.

Dated: October 18, 2007
New York, New York



Jane Greengold Stevens